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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LARRY G. KENT, JR., W. TODD DANIELL,
and MARY S. ARNOFF

Appeal 2009-002848
Application 10/755,491
Technology Center 2600

Decided: October 15, 2009

Before, ROBERT E. NAPPI, JOHN A. JEFFERY, and KARL D.
EASTHOM, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the rejection
of claims 1 through 32.

We reverse.

INVENTION

The invention is directed toward a system for internet call routing where a called party receives notification of a call at a plurality of registered devices and is queried as to where to route the call. *See* pages 3 and 4 of Appellants' Specification. Claim 1 is reproduced below:

1. An intelligent interactive call handling system, comprising:
 - a central office operable to trigger a query responsive to receiving a call request for a called party at a called party telephone number;
 - call-handling device coupled to the central office, the call-handling device operable to receive the query, and trigger an internet call routing query; and
 - an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call, in accordance with instruction from the called party that is received in reply to the notification; and instruct the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, wherein the call-handling device forwards the instructions from the internet call routing system to the central office.

REFERENCE

Pepper	US 5,930,700	Jul. 27, 1999
Balasuriya	US 2003/0041048 A1	Feb. 27, 2003
Archer	US 6,683,870 B1	Jan. 27, 2004
Cermak	US 6,763,095 B1	Jul. 13, 2004
Reding	US 2004/0264654 A1	Dec. 30, 2004

REJECTION AT ISSUE

The Examiner has rejected claims 1, 3 through 5, 7, 8, 10, 14 through 16, 21, 22, 24, 25, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper.

The Examiner has rejected claims 6, 9, 20, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper and Redding.

The Examiner has rejected claims 2, 11, 12, 23, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper and Cermak.

The Examiner has rejected claims 13, 17, 18, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper and Balasuriya.

The Examiner has rejected claims 19 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper and Balasuriya and Redding.

ISSUE

Appellants argue on pages 7 through 14 of the Appeal Brief¹ that the Examiner's rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper is in error. Appellants assert that claim 1 recites that the internet call routing system sends a notification of incoming call to the called party at a plurality of registered communication devices prompting the called party for instructions for handling the incoming call. Brief 8. Appellants argue that "Archer fails to

¹ Throughout the opinion we refer to the Brief dated September 28, 2007.

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teach or suggest at least sending a notification of an incoming call to a plurality of registered communications devices.” Brief 10. Further, Appellants argue that “*Pepper* describes issuing a call notification to a subscriber’s PDA and does not disclose sending a notification to a plurality of devices where the called party is detected to be present.” Brief 11. As such, Appellants conclude that neither of the references teaches the claimed feature of a call routing system. Brief 12. Appellants present similar arguments directed to independent claims 7, 15, and 24 in the Brief.

Thus, Appellants’ contentions present us with the issue: Have Appellants shown that the Examiner erred in finding that the combination of *Archer* and *Pepper* teach a call routing system where notification of an incoming call is sent to a plurality of registered communication devices that the called party is detected to be present?²

FINDINGS OF FACT

1. *Archer* teaches a method for communication where call notification is simultaneously transmitted to a plurality of communication devices including pagers, telephones, voice mail, and computers. Abstract.
2. In *Archer*’s system when a call is received a database of telephone numbers is queried and the call notification is sent to all numbers in the database. When the user picks up the device the call is routed to the device the user picked up. If the user does not pick up at one of these numbers, the call is routed to

another list of numbers for devices such as a pager or voice mail. Col. 4, ll. 46-56, col. 6, ll. 33-37.

3. Pepper teaches a system that allows a subscriber to screen their telephones calls and allows the user to direct the routing of the call. Abstract.
4. The user of Pepper's system has a personal digital assistant (PDA) that stores the user's schedule, including location, telephone numbers at location, and priority information. This schedule is shared with a service control module. When a call is received, the service control module compares a priority of the caller with a priority of the user's location and based upon the comparison may send a notification to the user's PDA. In the notification allows the user to make decisions concerning the routing of the call. Col. 3, ll. 18-56..
5. The schedule includes telephone numbers associated with the locations where the user is scheduled to be. These numbers are used to present possible locations for routing of the call. If the calls are of a high priority they are routed directly to these numbers without notifying the user, if they are of an intermediate priority the user is prompted for routing options. Pepper, col. 10, ll. 37-46, col. 11, ll. 1-16.

² Appellants additional arguments directed to claim 1 raise additional issues which we do not reach as this issue is dispositive of the case.

ANALYSIS

Appellants' arguments have persuaded us that the Examiner erred in finding that the combination of Archer and Pepper teach a call routing system as claimed. Claim 1 recites that the internet call routing system sends "a notification of the incoming call to the called party at a plurality of registered communication devices that the call party is detected to be present, the notification prompting the called party for instructions for handling the incoming call." Thus, the scope of claim 1 includes that the notification prompts the called party for routing instructions and the notification is sent to a plurality of devices that the called party is detected to be present. Independent claims 7, 15, and 24 include limitations which recite similar features.

The Examiner finds that Archer does not teach "detecting the presence of the called party, and the notification prompting the called party for instructions for handling the incoming call and route the call in accordance with instruction from the called party" Answer 4. The Examiner finds that Pepper teaches these features. Answer 4. We concur with the Examiner's finding that Archer does not teach prompting the called party for routing instructions and that Pepper teaches prompting the calling party for routing instructions. Facts 3 and 4. However, we do not find that these teachings meet the claims. Appellants' independent claims recite that notification is sent to plural devices at which the called party is detected to be present. Pepper discusses notifying the called party and querying the user for routing at one device, the PDA. Fact 4. Further, the Examiner cites to Pepper, col. 10, ll. 37-41 as teaching determining the location of the called party. While the devices discussed in column 10, lines 37-41, are devices at the same location as the called party, they are not the devices which receive the

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notification for information concerning routing of the call; rather they are devices to which the call will be routed based upon priority. Fact 5. Thus, Appellants' arguments have persuaded us that the Examiner has not shown that the combination of the references teach all of the limitations of dependent claims 1, 7, 15, and 24. Accordingly, we will not sustain the Examiner's rejection of claims 1, 3 through 5, 7, 8, 10, 14 through 16, 21, 22, 24, 25, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper.

The Examiner has not shown that the teachings of Cermak, Balasuriya, or Redding teach the features discussed above as being missing from the combination of Archer and Pepper. Accordingly, we will not sustain the Examiner's rejection of:

Claims 2, 11, 12, 23, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper and Cermak;

Claims 13, 17, 18, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper and Balasuriya; and,

Claims 19 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Archer in view of Pepper and Balasuriya and Redding.

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ORDER

The decision of the Examiner to reject claims 1 through 32 is reversed.

REVERSED

ELD

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